

**ORDINANCE O-1-09**  
**Code of the Town of Cheverly**

**An Ordinance whereby the Mayor and Council update and set conditions for the issuance of construction permits and establish penalties for violation.**

**WHEREAS**, Article VII, Sections C-23A(14) and (19) of the Charter of the Town of Cheverly grants to the Mayor and Town Council the power to prevent nuisances and protect the public health and welfare; and

**WHEREAS**, the Mayor and Town Council are cognizant that construction, particularly in improved neighborhoods can have an adverse impact on property values and esthetics if it is allowed to continue indefinitely and without completion within a reasonable time; and

**WHEREAS**, the Mayor and Town Council deem it appropriate to clarify that the Town may deny building permits or add conditions to a permit to protect the public good and to revoke or suspend permits as appropriate to protect the public.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Town Council, in regular session assembled, that Sections 8-2, 8-2.1 and 8-10 of Chapter 8 of the Cheverly Code be repealed and reenacted with amendments as follows:

**Chapter 8 BUILDING CODE**

- § 8-1. Building inspector, Appointment, compensation, powers and duties.
- § 8-2 Permits
- § 8-2.1. Inspection and notice.
- § 8-3 Fees and deposits.
- § 8-4. Adoption of basic code by reference.
- § 8-5. Certificate of occupancy or use required.
- § 8-6. Sanitary facilities.
- § 8-7 Ratproof constructions of business buildings.
- § 8-8. Sidewalks; exception for certain properties.
- § 8-9. Fences and barriers.
- § 8-10. Violations and penalties.

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§ 8-2 Permits

(a) **(1)** No persons shall commence the erection, construction, alteration, or repair of any building or structure or the excavation therefor (except as provided below), or of any wall or fence, or of any artificial pond, pool or lake; or install or replace gutters, leaders and downspouts, drainage lines, private sidewalks, driveways, awnings or

canopies, outdoor electronic broadcasting and receiving equipment, satellite dishes, carports, slabs, outside handrails, outside storage sheds, concrete or asphalt or brick (or combinations thereof) patios or paved areas of more than one hundred fifty (150) square feet, or undertake any other construction, alteration, repair, **DEMOLITION**, installation or replacement work requiring a Prince George's County building permit unless such person shall first make application to and obtain a permit for such work from the town administrator.

**(2) NO PERSON OR ENTITY MAY CONTINUE TO DO ANY WORK OUTLINED IN (A) (1) ABOVE AFTER THE PERMIT HAS EXPIRED, UNLESS THE PERMIT PERIOD IS EXTENDED BY THE TOWN.**

**(3) EXCEPT AS PROVIDED IN SUBSECTION (E) BELOW NO PERSON OR ENTITY MAY ALLOW ANY WORK REQUIRING A TOWN PERMIT TO REMAIN UNFINISHED AFTER THE PERMIT HAS EXPIRED.**

**(4) THE TOWN WILL ONLY ISSUE OR REISSUE OR EXTEND A PERMIT WHEN THE APPLICANT CAN DEMONSTRATE THAT THE PERMITTED WORK:**

**(A) SHALL BE COMPLETED WITHIN THE TIME PERIOD ESTABLISHED FOR THE PERMIT OR ANY RENEWAL THEREOF,**

**(B) SHALL HAVE NO ADVERSE IMPACT ON THE IMPROVED LOTS ADJACENT TO OR NEAR THE WORK, AND**

**(C) SHALL POSE NO DANGER TO THE OCCUPANT OF THE LOT, TO NEARBY RESIDENTS OR TO THE PUBLIC.**

**(5) THE TOWN WILL ONLY ISSUE A PERMIT WHEN ALL FINES, LIENS, AND OTHER CHARGES REGARDING THE WORK OR THE TOWN PERMIT ARE PAID.**

**(6) THE TOWN MAY ADD CONDITIONS OR TIME LIMITS TO ANY PERMIT ISSUED UNDER THIS SECTION AS IT DEEMS APPROPRIATE TO PROTECT THE PUBLIC AND THE INTENT AND CRITERIA OUTLINED IN THIS SECTION.**

**(7) THE TOWN MAY REVOKE OR SUSPEND A PERMIT WHEN THE TERMS, INTENT OR PURPOSES OF THIS SECTION OF THE CODE ARE NOT COMPLIED WITH BY ANY PERSON OR ENTITY.**

**(8) THE TOWN BUILDING INSPECTOR, AS PROVIDED FOR IN THIS CHAPTER 8, SHALL AUTHORIZE THE ISSUANCE OF ANY PERMIT UNDER THIS SECTION PRIOR TO THE TOWN ISSUING SUCH PERMIT.**

(b) Applications for permits shall be made in writing and signed by the owner or builder and shall be accompanied by proof that the applicant has received a permit from Prince George's County for any actions requiring a Prince George's County permit.

(c) Permits shall be obtained in advance from the town administrator for the erection, alteration and repair of all buildings and structures and their appurtenances, including fences, barriers, retaining walls and observation stands, and for the removal of all buildings or structures.

(d) Permits shall not be required for minor alterations where there is no interference with the construction of the buildings and structures; nor shall permits be required for alterations in buildings and structures which do not involve any change in their structural parts. The facts shall be determined in each case by the building inspector.

(e) **(1)** Construction permits shall be valid and in force for a period not exceeding six (6) months, except that **THE TOWN MAY EXTEND THIS TIME PERIOD IF** buildings **WORK UNDER THE PERMIT** started within this time **PERIOD** and continuously under construction for more than six (6) months may **CAN** proceed to completion within a reasonable time **AND THE APPLICABLE PROVISIONS OF THIS SECTION CAN BE MET.** under authority of the original permit. ,

**(2) AT THE TIME OF THE APPLICATION FOR, OR EXTENSION OF A PERMIT, IF IT APPEARS TO THE TOWN THAT THE WORK ON ANY LOT CANNOT REASONABLY BE COMPLETED WITHIN THE TIME LIMIT ON THE TOWN PERMIT, THE TOWN SHALL REQUIRE THE APPLICANT TO SEGMENT OR PHASE THE WORK SO THAT THE WORK CAN BE COMPLETED WITHIN THE TIME ALLOWED BY THE PERMIT.**

**(3) IN THE EVENT THE PERMITTED WORK IS NOT COMPLETED AND THE PERMIT HAS EXPIRED, THE TOWN SHALL CONTACT THE APPLICANT AND/OR OWNER AND NOTIFY THEM THAT THEY ARE IN VIOLATION OF THE TOWN CODE.**

**(4) UNLESS ARRANGEMENTS ARE MADE TO COMPLETE THE PERMITTED WORK UNDER THE PROVISIONS OF THIS SECTION, THE TOWN MAY CITE THE OWNER UNDER THIS CODE AND PROCEED TO (A) STOP WORK AT THE SITE, (B) PETITION FOR DEMOLITION OF THE WORK UNDER THE PERMIT, AND/OR (C) PETITION TO COMPLETE THE WORK AND LIEN THE PROPERTY.**

**(5) AFTER A PERMIT HAS EXPIRED THE TOWN MAY RENEW OR REISSUE IT FOR SUCH TIME AS IS REASONABLY NECESSARY TO COMPLETE THE PERMITTED WORK, BUT AN EXTENSION OF TIME ON AN ORIGINAL PERMIT SHALL BE LESS THAN FOUR (4) MONTHS.**

(f) For the installation or replacement of central heating and/or cooling plants in existing buildings, application must be made to the town administrator showing type, make, name, capacity and location of thermostats, all vents, safety switches and oil storage tanks. Upon authorization of the building inspector, the town administrator will **MAY** issue a permit for the installation or replacement.

(g) Each applicant must furnish with each application:

(1) Two (2) sets of prints, showing architectural and structural plans, elevations and sections.

(2) Two (2) sets of specifications, showing kind of material to be used and finishes.

(3) In case of repairs and alterations to existing buildings, those portions which it is intended to leave or incorporate in the new design shall be clearly indicated so as to facilitate identifying the old work.

One set of blueprints and specifications will be returned to the applicant when the permit is issued.

(g.1) No permits will be issued for new development within the Town of Cheverly unless two (2) sets of the following site plans are submitted for formal review and approved by the mayor and town council, or their designated representative. These plans shall be in the same format accepted by the County, Washington Suburban Sanitary Commission, and Maryland-National Capital Park and Planning Commission.

(1) Residential development site plans showing:

a. Location of all buildings and structures;

b. Areas for parking and accessory buildings;

c. Areas for parkland or open space through mandatory dedication by Maryland-National Capital Park and Planning Commission;

d. All access roads and drives with proposed traffic generation data;

e. Existing topography and major environmental features such as vegetation, springs, streams, and distinctive natural features;

f. One hundred (100) year floodplain designation;

g. Proposed grading, vertical and horizontal alignment of roads and proposed landscaping and buffering with a plant list of types and sizes (at time of planting) for all trees and shrubs;

h. Proposed storm drainage and stormwater management plans per County and Washington Suburban Sanitary Commission requirements. This is to be coordinated with the requirements of section 24-6, chapter 24 of this Code. (Ordinance

18-77)

- i. Final architectural plans for the proposed structures.
- (2) Commercial and industrial development site plan showing:
  - a. Location of all buildings and structures;
  - b. Areas for parking and accessory buildings;
  - c. All access roads and drives with proposed traffic generation data;
  - d. Existing topography and major environmental features such as vegetation, springs, streams, and distinctive natural features;
  - e. One hundred (100) year floodplain designation;
  - f. Proposed grading, vertical and horizontal alignment of roads and proposed landscaping and buffering;
  - g. Proposed storm drainage and stormwater management plans per County and Washington Suburban Sanitary Commission requirements. This is to be coordinated with the requirements of section 24-6, chapter 24 of this Code. (Ordinance 18-77)
  - h. Final architectural plans and elevations of proposed structures;
  - 1. Location and design of all signs;
  - j. Principal and accessory uses proposed for each floor of building and number of employees proposed.

(h) When such applications and plans conform to these regulations **AND ALL OTHER PROVISIONS OF THIS SECTION ARE COMPLIED WITH**, the building inspector shall **MAY** sign the application and the town administrator shall **MAY** issue the permit **REQUIRED PERMITS**, file the application and apply to all plans an official stamp, stating that the drawings comply with the terms of these regulations.

(i) Applications for permits which are not accompanied by clear and complete drawings will not be received for consideration.

(j) It shall be unlawful to deviate in any manner from or to erase, alter or modify any lines or figures contained upon drawings after being stamped by the building inspector or filed with his reference; provided, that if during the progress of the execution of such work, it is desired to deviate in any manner affecting the construction or other essentials of the building from the terms of the application or drawing, notice of such intention to alter or deviate shall be given in writing to the building inspector and his written assent shall be obtained before such alterations or deviation may be made.

- No permit will be issued for the construction of a new dwelling in the Town of Cheverly unless the plans and specifications meet the following minimum requirements:

(1) All dwellings shall have at least one thousand two hundred (1,200) square feet of finished floor space above the first-floor joists. The term "dwelling," as used herein, means any building which is designed for or occupied, in part or in whole, as a house, residence or sleeping place for one or more persons, either permanently or transiently.

- Provisions must be included for a minimum of two hundred (200) square feet of off-street parking in the plans and specifications; provided, however, that the mayor and town council, in their discretion may consider an application for an exception for the issuance of a permit not in strict compliance with this subsection.\*

(l) Persons about to undertake work which might harm or damage any person or property within the town shall execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any such person or property

(m) No permit will be issued pursuant to this chapter until the provisions of chapter 4 (Tree Preservation) and chapter 24 (Public Works), where applicable, have been complied with. A permit issued in violation of this subsection shall be considered a permit issued in error and may be forthwith withdrawn by the town administrator.

**(N) ANY APPLICANT WHO IS AGGRIEVED BY THE ACTIONS OF THE TOWN S TO THE ISSUANCE OR EXTENSION, OR REISSUANCE OF A PERMIT PURSUANT**

**TO THIS SECTION MAY APPEAL SUCH ACTION WITHIN FIFTEEN (15) DAYS OF THE ACTION TO THE TOWN ADMINISTRATOR WHOSE DECISION SHALL BE FINAL. ANY FURTHER APPEAL SHALL BE AN ADMINISTRATIVE APPEAL ON THE RECORD TO THE MARYLAND COURTS, PROVIDED SUCH APPEAL IS FILED WITHIN FIFTEEN (15) DAYS OF THE TOWN ADMINISTRATOR'S DECISION.**

**Sec. 8-2.1. Inspection and notice.**

*(a) Inspection; penalty for noninspection.*

- (1) The building inspector or his or her designee will provide inspection services to ensure compliance with this chapter and applicable standards and specifications. The permittee shall, during the hours of the work, make available to the inspector and to other employees of the town construction work, materials, plans and specifications.
- (2) Where the permittee performs any work under the permit without an inspection, such work shall be considered improper and such conduct on the part of the permittee may result in removal and replacement of all said construction by the permittee at his or her expense, as determined by the town administrator.
- (3) Where the permittee performs any work under a permit with an inspection, but where the work does not comply with this ordinance or the standards and specifications, the building inspector is empowered to issue to the permittee, his or her agents, contractors, or subordinates, in oral form followed by a written notice or in written form, a notice of violation or a stop work order in accordance with subsection (b) of this section.

*(b) Compliance; penalties.*

- (1) The permittee, including public utilities, his or her agents, contractors and subcon-tractors shall comply with all requirements of the building inspector or the town administrator, either before or during the course of construction, which protect the public safety avoid unnecessary inconvenience to the public, or ensure compliance with the specifications.
  - Where the permittee fails to comply with the requirements cited in the notice of violation within forty-eight (48) hours or less, as the town administrator may

determine, from the time of the issuance of the notice, said noncompliance may result in the following:

- a. Issuance of a stop work order by the town administrator. A stop work order shall constitute a suspension of any applicable permit and shall prohibit the violator from doing any further work under any applicable permit. The violating permittee may do only such work **AFTER APPROVAL BY THE TOWN**, as shall bring any previous work into compliance with the applicable requirements. In the event the violating permittee corrects the work to the satisfaction of the town administrator or his or her designee in accordance with the applicable requirements, the town administrator or his or her designee shall rescind the stop work order at which time the permittee may resume further work under any applicable permit; or
- The town may **PETITION THE COURT EITHER TO** complete the required work, **OR TO DEMOLISH THE WORK**, and **IN EITHER EVENT** charge the permittee on a cost basis, including the costs of administration and overhead. The permittee so indebted shall make payment within thirty (30) days from the date of billing or the town will place a claim against the bond where applicable. The cost of the work in excess of the amount recovered from the bond may also be recovered through legal action instituted by the town. Nonpayment by the permittee of any amount due to the town within the thirty-day period shall constitute a separate violation of this section.

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### **Sec. 8-10. Violations and penalties.**

(a) *Generally.* Any person or persons, firm or corporation who shall fail to comply with any of the provisions of this chapter or who shall violate or fail to comply with any order or regulation made under this chapter, or who shall build in violation of any detailed statement of specifications or plans submitted and approved under this chapter or any order or regulation made under this chapter, shall upon conviction thereof, be fined for each offense not more than **\$100.00 WITH EACH SUBSEQUENT OFFENSE HAVING A PENALTY OF \$200.00.** fifty dollars (\$50.00), and in default of payment of such fine, shall be imprisoned not to exceed thirty (30) days. The imposition of one penalty for any violation of this chapter or any order or regulation made under this chapter shall not excuse the violation or permit it to continue, and all such persons shall correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute

a separate offense. The application of this penalty shall not be held to prevent this issuance of stop orders or the enforced removal of prohibited conditions as provided in the building code provided for in this chapter.

**(B) CONTINUING WORK IN VIOLATION OF ANY ORDER ISSUED BY THE TOWN PURSUANT TO THIS CHAPTER SHALL BE A MISDEMEANOR PUNISHABLE BY A \$1,000 FINE AND/OR SEVEN DAYS IN JAIL.**

**(b) (C) Stop orders:**

- (1) Whenever any work is being done without a permit, when such is required by this Code, or in violation of the provisions of this chapter or in variance with the term of any permit issued for such work, the town administrator or his or her duly authorized representative may order all or part of the work on the job stopped until such violation or variance is eliminated and the work or installation made in violation of this subtitle is corrected. Such stop order, if oral, shall be followed by a written stop order within twenty-four (24) hours (excluding Saturday, Sunday or holidays).
- (2) It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to persons or property or to correct the violation.
- (3) The stop order shall contain, or be accompanied by, a written notice indicating that there is a right to a hearing within a reasonable time before the town administrator or his or her designee. Such request for a hearing may be verified in writing or in person at the town office. The owner or permittee affected by such stop order shall be entitled to such hearing as quickly as feasible, but at least within twenty-four (24) hours of receipt of such request for hearing by the town administrator. The town administrator, or a

**AND BE IT FURTHER ORDAINED** that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

**AND BE IT FURTHER ORDAINED** that this Ordinance shall take effect thirty (30) days from the date of its adoption; provided, however that a fair summary of the Ordinance is published at least once in a newspaper of general circulation in the Town of Cheverly.

**INTRODUCED** by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on \_\_\_\_\_, 2008, at which meeting copies were available to the public for inspection.

**ADOPTED** by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on \_\_\_\_\_, 2008, at which meeting copies were available to the public for inspection.